

Age Discrimination: What Every Manager Needs to Know

The ADEA says:

- You can't discriminate against workers 40 or older based on their age
- You can't favor a younger worker over an older one – even if both are 40+ (e.g., hiring a 45-year-old vs. a qualified 70-year-old)
- You **can** fire, discipline, pass over or refuse to hire older workers – but **only** if you have a legitimate business reason other than age



Language that can land you in court

- Avoid language that suggests you prefer younger workers over older ones, such as:
 - “We need fresh blood”
 - “Some people have been here too long”
 - “You’ve been slowing down lately”
- Also watch for “code words,” which don’t mention age directly but could suggest bias:
 - “Vibrant”
 - “High-energy”
 - “Resistant to change”

How to do it right

- Don't **assume** older workers aren't up to the job – if you have concerns, assess their skills and abilities
- Apply **consistent** standards for discipline, hiring and firing decisions
- **Document** legitimate business reasons if you must make adverse personnel decisions affecting older workers